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Docket: BI9100CIPCON

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Rizoju et al.

Serial No.: 10/667,921

Filed: September 22, 2003


For: TISSUE REMOVER AND METHOD

Examiner: Shay, David M.

Group Art Unit: 3739

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF FACSIMILE TRANSMISSION**  
I hereby certify that this paper is being facsimile transmitted to:  
Commissioner for Patents at fax number (571) 273-8300 on  
December 13, 2005.

  
Kenton R. Mullins, Reg. No. 36,331

**TERMINAL DISCLAIMER**

Dear Sir:

Your petitioner, BioLase Technology, Inc., a Delaware corporation, by its attorney, KENTON R. MULLINS, of record in the above-identified application, represents that it is the assignee, as shown by the assignment recorded in the U.S. Patent and Trademark Office on September 22, 2003 at Real/Frame 014547/0811 (2 pages), of the entire right, title and interest in and to the above-identified application.

Pursuant to 37 CFR 3.73(b), your petitioner, as assignee of the above-identified application, hereby states that the above-noted assignment, the evidentiary document on which ownership of the above-identified application is established, has been reviewed. Further, your petitioner hereby certifies that, to the best of your petitioner's knowledge and belief, title to the above-identified application is in your petitioner, as assignee seeking to take the action in this Terminal Disclaimer.

Application No. 10/667,921  
December 13, 2005  
Page 2

Your petitioner, BioLase Technology, Inc., hereby disclaims the terminal part of claims 27 to 69 of any United States patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,254,597 and hereby agrees that said claims of any United States patent so granted on the above-identified application shall be enforceable only for and during such period that they are commonly owned with U.S. Patent No. 6,254,597, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any claims granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,254,597 in the event that it later expires for failure to pay a maintenance fee; is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

Dated this 13th day of December, 2005.

Respectfully submitted,



Kenton R. Mullins  
Attorney for Applicants  
Registration No. 36,331

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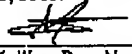
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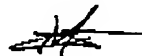
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Petitioner does not disclaim any terminal part of any claims granted on the above-identified application prior to the expiration date of the full statutory term as presently shortened by any terminal disclaimer of U.S. Patent No. 6,669,685 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of common ownership stated above.

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Kenton R. Mullins  
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